

### **REMARKS**

Reconsideration and allowance are respectfully requested. Claims 1-4, 6-34, and 37-39 are now pending. By this Amendment, claim 5 is canceled only to avoid additional claim fees, claims 1, 7, 13-16, 18-21, 23, 27, and 31 are amended, and new claim 39 is added.

#### ***Interview Summary***

The undersigned wishes to thank Examiner Nguyen for taking the time on April 6, 2006, for a telephone interview. During the interview, claim 1 was discussed with regard to the Segal and Bork references. In particular, the undersigned explained that both Segal and Bork disclose alerting a user to a current incoming call, as opposed to a missed event. Although the undersigned explained that claim 1 in its un-amended form therefore distinguished over the asserted references, a potential amendment to claim 1 were nevertheless discussed that would clarify and more sharply contrast this difference between claim 1 and the asserted references. Applicants have amended the claims herein to further clarify these differences so that allowance might be expedited. In particular, new dependent claim 39 corresponds to the potential amendment to claim 1 as discussed during the interview.

#### ***Claim Rejections***

Claims 1-4, 6-10, 12-16, 18-21, 23-34, 37, and 38 are rejected under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent Application Publication No. 2001/0000505 A1 to Segal et al. ("Segal") in view of U.S. Patent No. 6,954,657 to Bork et al. ("Bork"). Claims 5, 11, 17, and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Segal in view of Bork, and further in view of U.S. Patent No. 6,160,489 to Perry et al. ("Perry"). Applicant respectfully traverses all rejections.

#### ***Arguments***

Independent claim 1 is directed to a communication apparatus having a first portion, a second portion and a vibrator. The claimed apparatus has a first detector configured to detect an operation to at least partially separate the first portion from the second portion, and a second detector configured to detect a missed event in the apparatus. As amended, the claimed apparatus also has a controller coupled to the first and second detectors and configured to

determine whether the operation to at least partially separate the first portion from the second portion occurs after the missed event, and if so, to activate the vibrator responsive to the operation to at least partially separate the first portion from the second portion.

Conventional foldable ("flip") phones the user has to open a foldable case completely to confirm from viewing the display whether a call has been missed. Specification, p. 1, paragraph 6. This can be inconvenient. Some conventional foldable phones have a visual indicator on the outside of the foldable case for informing the user of a call or one or more keys, or a vibrator responsive to activation of keys external to the foldable case. Specification, p. 2, paragraphs 7-9. Again, this is inconvenient, and may require the inclusion of additional parts (such as the external keys or visual indicator) that might not otherwise be included. *Id.*

In contrast, the communication apparatus of claim 1 may allow the user to check the status of any missed events without having to remove the apparatus from his or her pocket by, for example, partially opening the apparatus while it remains in the user's pocket. Specification, p. 9, paragraph 64. This is because the claimed apparatus activates the vibrator in response to at least partially opening or sliding (for example) the phone, if a missed event has occurred. Thus, the claimed apparatus can inform the user of a missed call responsive to the user at least partially flipping or sliding open (for example) the phone.

Turning to the asserted references, Segal discloses a portable cellular phone system including a portable flip-style cellular phone 34. (Segal, Figs. 1 and 7). As correctly indicated in the Office Action, phone 34 does not have the claimed second controller. Instead, the Office Action relies on Bork.

However, like Segal, Bork does not teach or suggest doing anything to indicate a missed event. Instead, Bork discloses a cellular phone that alerts a user to an *incoming* call. (Bork, Abstract) ("A wireless device (100) having an optimum alert sequence definition analyzes its environment, including time and type of incoming call...."). (*See also*, Bork, Fig. 2, step 154 ("incoming call"), and col. 5, lines 18-20). Although Bork refers to missing a call, the purpose of Bork is to minimize missed calls (Bork, col. 2, line 66, to col. 3, line 8), not to later alert the user of a missed call. Thus, the proposed modification of Segal with Bork would, at best, result

in a device that determines an optimal alert sequence to alert the user to an incoming call, but to not a *missed* event such as a missed call.

Moreover, neither Segal nor Bork teach or suggest, either alone or in combination, the second controller configured to activate the vibrator *responsive to the first detector detecting the operation* to at least partially separate the first portion from the second portion. Instead, both Segal and Bork activate a vibrator only in response to an incoming call. Thus, the combination of these two references would still activate a vibrator only in response to an incoming call, *but not in response to* detecting an operation to at least partially separate the first portion from the second portion, as claimed (e.g., in response to opening the phone). To the contrary, in both Segal and Bork, the vibrator would be activated *before* the cellular phone is opened and the call is answered.

For at least these reasons, it is submitted that claim 1 is patentable over Segal, Bork, and the proposed combination of the two.

Independent claims 7, 13, 18, 23, 27, and 31 are also allowable over Segal and Bork for at least similar reasons as claim 1, and further in view of the differing features recited therein.

Dependent claims 2-4, 6, 8-12, 14-17, 19-22, 24-26, 28-30, 32-34, and 37-39 are also allowable by virtue of their dependence from allowable independent claims, and further in view of the additional features recited therein. For example, both Segal and Bork activate a vibrator only in response to an incoming call, whereas claim 38 recites that, at the time that the controller activates the vibrator responsive to the first detector detecting the operation, there is no incoming call to the communication apparatus.

Also, as to the rejection of claims 5, 11, 17, and 22 over a proposed combination of Segal, Bork, and Perry, Perry fails to overcome the above-discussed deficiencies of Segal and Bork.

### ***Conclusion***

All rejections having been addressed, it is believed that the present application is in condition for immediate allowance. It is further believed that no fees are due in connection with this paper. Nonetheless, should any fees be due, please charge such fees to our Deposit Account

No. 19-0733. Should the Examiner have any questions or believe an interview with Applicant's representative would be beneficial, the Examiner is invited to contact the undersigned at the number below.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: May 8, 2006

By: 

Jordan N. Bodner

Registration No. 42,338

Eleventh Floor  
1001 G Street, N.W.  
Washington, D.C. 20001-4597  
(202) 824-3000